

2005 DRAFTING REQUEST

Bill

Received: **01/11/2005**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Binau**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Higher Education - UW System**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Binau, BB0366 -

Topic:

Transfer of OSHA program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	mlief 01/23/2005 pgrant 01/31/2005	wjackson 01/24/2005 wjackson 01/31/2005	pgreensl 01/24/2005	_____	lnorthro 01/24/2005		State
/2			chaugen 01/31/2005	_____	lnorthro 01/31/2005		

FE Sent For:

<END>

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FE Sent For:		1/2 WJ 1/31	Ch 1-31	OK 1-31 JF			<END>

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1?	mlief	1 wj 1/24					

FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: UW System – Transfer of OSHA Program to the State Laboratory of Hygiene
- Tracking Code: BB0366
- SBO team: Education
- SBO analyst: R.J. Binau
 - Phone: 6-2843
 - Email: rj.binau@doa.state.wi.us
- Agency acronym: UWS
- Agency number: 285

CORRESPONDENCE MEMORANDUM**STATE OF WISCONSIN**
Department of Administration

Date: January 5, 2005

To: Steve Miller
Legislative Reference Bureau

From: R.J. Binau *RJB*
Executive Policy and Budget Analyst

Subject: Budget Bill Drafting Request

Please begin drafting language for the upcoming 2005-07 budget bill for the following subject.

University of Wisconsin System - Transfer of positions related to the state's contract for OSHA inspection activity.

Fed occupational safety and health administration

The state of Wisconsin currently has a contract from the federal government to perform OSHA inspection activity. The Departments of Health and Family Services, Commerce and Workforce Development along with the UW System's State Laboratory of Hygiene participate in this contract. The federal government has requested, and the Governor has agreed to consolidate the OSHA services under one agency. He has chosen the State Laboratory of Hygiene as the single state agency for OSHA. The drafting language should permit the current staff at Health and Family Services, Commerce and Workforce Development to transfer to the State Laboratory of Hygiene. Along with the staff and appropriate funding that will be reflected in the budget, assets of the OSHA program in the three agencies should transfer to the State Laboratory of Hygiene.

As far as our analysis has taken us, there are no references to the state's OSHA contract in statute, so no other language need be drafted related to this transfer.

If you have any questions please call me at 266-2843.

cc: Linda Nelson
Bob Hanle

HFS 10

Com 9

DWD 4

How many pos from each agency to Lab?

- 1 @ transfer pos
- 1 @ transfer employee
- 1 @ employee status
- contracts
- personal policy
- rules and orders

Lief, Madelon

From: Binau, RJ
Sent: Friday, January 21, 2005 9:52 AM
To: Lief, Madelon
Subject: RE: Reminder

Lonnie,

No we are final now.

Here are the alphas.

20.143 (3) (m) - Commerce
20.435. (1) (1) - DHFS GPR
20.435 (1) (gm) PR-O
20.435. (1) (m) PR-F

RJ

-----Original Message-----

From: Lief, Madelon [mailto:Madelon.Lief@legis.state.wi.us]
Sent: Friday, January 21, 2005 8:18 AM
To: Binau, RJ
Subject: RE: Reminder

Are these going to change? Also, I need the alphas of the appropriations that are affected, not the amounts.

-----Original Message-----

From: Binau, RJ
Sent: Thursday, January 20, 2005 5:23 PM
To: Lief, Madelon
Subject: RE: Reminder

Lonnie,

Here is What I have on the Transfer now:

DHFS \$105,600 GPR and .95 GPR FTE
\$964,000 PR-F and 9.05 PR-F FTE
\$54,000 PR-O and 0.5 PR-O FTE

transfers in each year of the biennium

Commerce \$711,000 PR-F and 9.00 PR-F FTE transfer each year of the biennium

No positions or \$\$ transfer from DWD now.

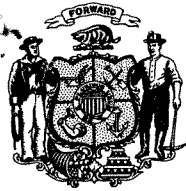
RJ

-----Original Message-----

From: Lief, Madelon [mailto:Madelon.Lief@legis.state.wi.us]
Sent: Thursday, January 20, 2005 4:27 PM
To: Binau, RJ
Subject: Reminder

Just a reminder that in addition to the \$ amounts for the outstanding drafts, I will also need to know the appropriations for the three agencies affected by the OSHA transfer.

Madelon (Lonnie) Lief
Senior Legislative Attorney
Legislative Reference Bureau



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1606/1

MJL:1:...

WLj

DOA:.....Binau, BB0366 - Transfer of OSHA program ✓

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION ✓

TODAY
please

LPS:
Please
check
spacing.

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION ✓

DHFS

HIGHER EDUCATION ✓

UW Currently the ~~Department of Health and Family Services~~ and the ~~Department of Workforce Development~~, in conjunction with the University of Wisconsin System's State Laboratory of Hygiene (Lab), conduct federal Occupational Safety and Health Administration (OSHA) testing, pursuant to a contract with OSHA. This bill transfers the entire responsibility for this testing, along with incumbent employees and positions, to the Lab.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 9152. Nonstatutory provisions; University of Wisconsin
3 System.

4 (1) OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TESTING.
5 authorized FTE positions for the department of health and family services, funded

① Positions and employees
4 10

SECTION 9152

435 (1) (a) and (m) ✓
 (1) from the appropriation under section 20. of the statutes, are decreased by 10.5 FTE
 positions, for the purpose of providing occupational safety and health administration
 testing.

143 (3) (m) ✓
 (2) The authorized FTE positions for the department of commerce, funded from
 the appropriation under section 20. of the statutes, are decreased by 9.0 FTE
 positions, for the purpose of providing occupational safety and health administration
 testing.

(c) The authorized FTE positions for the department of workforce development,
 funded from the appropriation under section 20. of the statutes, are decreased by
 4.0 FTE positions, for the purpose of providing occupational safety and health
 administration testing.

3-1905 (a) The authorized FTE positions for the State Laboratory of Hygiene funded
 from the appropriation under section 20.285 (1) (fd) of the statutes, are increased by
 1905 FTE positions, for the purpose of providing occupational safety and health
 administration testing.

(b) All incumbent employees in the departments of health and family services and
 commerce and workforce development who perform occupational safety and health
 administration testing are transferred on the effective date of this paragraph to the
 state laboratory of hygiene. Employees transferred under this paragraph have all
 the rights and the same status under subchapter V of chapter 111 and chapter 230
 of the statutes in the employment commission that they enjoyed before the transfer.
 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
 has attained permanent status in class must serve a probationary period.

(b) (b) Tangible personal property
 (d) On the effective date of this paragraph, all tangible personal property,
 including records, that relates to occupational safety and health administration

1 testing of the department^s of health and family services^{and} commerce^g ~~and workforce~~

2 ~~development~~^g is transferred to the state laboratory of hygiene^g

3 ^g (c) ~~Contracts~~^g All contracts entered into by the department^s of health and family services^{and}

4 commerce^g ~~and workforce development~~^g that relate to occupational safety and health

5 administration testing and that are in effect on the effective date of this paragraph[✓]

6 remain in effect and are transferred to the state laboratory of hygiene. The state

7 laboratory of hygiene shall carry out any obligations under such a contract until the

8 state laboratory of hygiene modifies or rescinds the contract to the extent allowed.

9

(END)

Grant, Peter

From: Binau, RJ
Sent: Monday, January 31, 2005 9:38 AM
To: Grant, Peter
Subject: Small change to LRB 1606/1

Peter,

On lines 10 -13 there is a discussion of the positions available for the program.

Instead of the 19.5 for 20.285 (1) (fd) say instead:

.95 FTE for 20.285 (1) (fd)
21.55 fte for 20.285 (1) (m) and
.50 fte for 20.285 (1) (i).

Total of 23.00 fte. (some of these are not transferred, they are created as new FTE)

Peter, does putting this language together like this override the current legal ability for the UWS to create positions in 20.285 (1) (m) for this purpose should additional PR-F funds come their way? If so, I don't want to do that.

Thanks
RJ

Robinson J. Binau
State Budget Office
608.266.2843

DOA:.....Binau, BB0366 - Transfer of OSHA program

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION



1 *Do Not Gen*
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Currently DHFS and the Department of Commerce, in conjunction with the UW System's State Laboratory of Hygiene (lab), conduct federal Occupational Safety and Health Administration (OSHA) testing, pursuant to a contract with OSHA. This bill transfers the entire responsibility for this testing, along with incumbent employees and positions, to the lab.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 9152. Nonstatutory provisions; University of Wisconsin**
3 **System.**

4 (1) OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TESTING.

(a) *Positions and employees.*

1. The authorized FTE positions for the department of health and family services, funded from the appropriations under section 20.435 (1) (a), (gm), and (m) of the statutes, are decreased by 10.5 FTE positions, for the purpose of providing occupational safety and health administration testing.

2. The authorized FTE positions for the department of commerce, funded from the appropriation under section 20.143 (3) (m) of the statutes, are decreased by 9.0 FTE positions, for the purpose of providing occupational safety and health administration testing.

3. The authorized FTE positions for the state laboratory of hygiene, funded from the appropriation under section 20.285 (1) (fd) of the statutes, are increased by ~~10.0~~⁰⁰⁹⁵ FTE positions, for the purpose of providing occupational safety and health administration testing.

insert *60* *24* All incumbent employees in the departments of health and family services and commerce who perform occupational safety and health administration testing are transferred on the effective date of this subdivision to the state laboratory of hygiene. Employees transferred under this subdivision have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the employment commission that they enjoyed before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class must serve a probationary period.

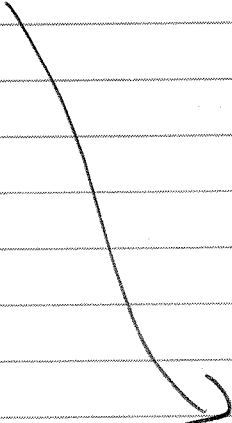
(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, that relates to occupational safety and health administration testing of the departments of health and family services and commerce is transferred to the state laboratory of hygiene.

(c) *Contracts.* All contracts entered into by the departments of health and family services and commerce that relate to occupational safety and health administration testing and that are in effect on the effective date of this paragraph remain in effect and are transferred to the state laboratory of hygiene. The state laboratory of hygiene shall carry out any obligations under such a contract until the state laboratory of hygiene modifies or rescinds the contract to the extent allowed.

7 (END)

input

§ 40 The authorized FTE positions for
the state laboratory of hygiene, funded
from the appropriation under section
20.285(1)(i) of the statutes, are
increased by 0.05 position for the
purpose of providing occupational safety
and health administration testing.



(insert) (cont.)

of 50 the authorized FTE positions for
the state laboratory of hygiene, funded
from the appropriation under section

200285(1)(m) of the statutes, and are increased
by 21055 FTE positions for the purpose of
providing occupational safety and health
administration testing.

(END insert)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1606/2
MJL:wlj:ch

DOA:.....Binau, BB0366 - Transfer of OSHA program

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

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1 (a) *Positions and employees.*

2 1. The authorized FTE positions for the department of health and family
3 services, funded from the appropriations under section 20.435 (1) (a), (gm), and (m)
4 of the statutes, are decreased by 10.5 FTE positions, for the purpose of providing
5 occupational safety and health administration testing.

6 2. The authorized FTE positions for the department of commerce, funded from
7 the appropriation under section 20.143 (3) (m) of the statutes, are decreased by 9.0
8 FTE positions, for the purpose of providing occupational safety and health
9 administration testing.

10 3. The authorized FTE positions for the state laboratory of hygiene, funded
11 from the appropriation under section 20.285 (1) (fd) of the statutes, are increased by
12 0.95 FTE position, for the purpose of providing occupational safety and health
13 administration testing.

14 4. The authorized FTE positions for the state laboratory of hygiene, funded
15 from the appropriation under section 20.285 (1) (i) of the statutes, are increased by
16 0.5 position, for the purpose of providing occupational safety and health
17 administration testing.

18 5. The authorized FTE positions for the state laboratory of hygiene, funded
19 from the appropriation under section 20.285 (1) (m) of the statutes, are increased by
20 21.55 FTE positions, for the purpose of providing occupational safety and health
21 administration testing.

22 6. All incumbent employees in the departments of health and family services
23 and commerce who perform occupational safety and health administration testing
24 are transferred on the effective date of this subdivision to the state laboratory of
25 hygiene. Employees transferred under this subdivision have all the rights and the

1 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the
2 employment commission that they enjoyed before the transfer. Notwithstanding
3 section 230.28 (4) of the statutes, no employee so transferred who has attained
4 permanent status in class must serve a probationary period.

5 (b) *Tangible personal property.* On the effective date of this paragraph, all
6 tangible personal property, including records, that relates to occupational safety and
7 health administration testing of the departments of health and family services and
8 commerce is transferred to the state laboratory of hygiene.

9 (c) *Contracts.* All contracts entered into by the departments of health and
10 family services and commerce that relate to occupational safety and health
11 administration testing and that are in effect on the effective date of this paragraph
12 remain in effect and are transferred to the state laboratory of hygiene. The state
13 laboratory of hygiene shall carry out any obligations under such a contract until the
14 state laboratory of hygiene modifies or rescinds the contract to the extent allowed.

15 (END)